

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

THEODORE THOMAS §
VS. § CIVIL ACTION NO. 9:14-CV-00135-KFG
§
§
REBECCA ONYANGO THOMAS §
AND PATRICIA BOGGS §

**MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636 and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law and recommendations for the disposition of the case, this matter was on direct assignment to Judge Giblin. On December 21, 2015 Judge Giblin issued his Report and Recommendation on two pending motions to dismiss, the first (doc. no. 16) filed by the defendant Patricia Boggs seeking dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6) and Rule 4(m) and the second motion to dismiss (doc.no. 17) filed by the defendant Rebecca Onyango Thomas seeking dismissal pursuant to Federal Rule of Civil Procedure 12(b)(1) and Rule 12(b)(6). Judge Giblin recommended that the District Court dismiss the complaint as the Court lacks subject matter jurisdiction over Plaintiff's Complaint as there is no substantial federal question pursuant to Federal Rule of Civil Procedure 12(b)(1). *See* Report and Recommendation (Doc. # 20). In addition, Judge Giblin recommended that the District Court dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) as it fails to state a claim to relief that is plausible on its face. *See* Report and Recommendation (Doc. # 20).

No objections were filed to the Report and Recommendation. Having considered the Motions to Dismiss and Judge Giblin's findings and recommendation, the Court **ORDERS** that the Report and Recommendation on the Motions to Dismiss (doc. #20) are **ADOPTED**. Pursuant to the magistrate judge's recommendation, the Court further **ORDERS** that the Motions to Dismiss are **GRANTED** on the basis that the Court lacks subject matter jurisdiction over Plaintiff's Complaint as there is no substantial federal question pursuant to Federal Rule of Civil Procedure 12(b)(1) and pursuant to Federal Rule of Civil Procedure 12(b)(6) as the Complaint fails to state a claim to relief that is plausible on its face.

Accordingly, the Court **FINDS, ORDERS** and **ADJUDGES** that the case is **DISMISSED** and all the claims against defendant Patricia Boggs and defendant Rebecca Onyango Thomas are hereby TERMINATED.

It is SO ORDERED.

SIGNED this 21st day of January, 2016.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE